THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.953 OF 2007

Dated 24th December, 2007

Between:

The Chairman/Person-in-charge,
Primary Agricultural Cooperative Society ….Appellant

And

V.Vishnu Murthy and four others …Respondents

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J U D G M E N T (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

Heard learned counsel for the parties.

This writ appeal has been filed against the order dated 05-09-2007 passed by the learned Single Judge in WPMP No.199 of 2007 in W.P.No.27206 of 2006, whereby the appellant/respondent No.5 was directed to take the respondent No.1/ writ petitioner on duty forthwith, unless there was any legal obstruction in its way.

An order was passed in favour of the writ petitioner, respondent No.1 in this writ appeal, on 15-10-2001 by the Joint Registrar/District Cooperative Officer and according to this order, the writ petitioner was eligible to draw his salary from the date of acceptance of his joining report by the Chairman of the Society. This order was not implemented by the appellant. Thereafter, the appellant filed a writ petition in this Court being W.P. No.23776 of 2001 and that was disposed of by this Court on 07-01-2003 with liberty to the petitioner therein to avail the remedy of revision before the appropriate authority. Aggrieved by this order, the petitioner in W.P.No.23776 of 2001 filed an appeal being W.A.No.755

of 2003, which was dismissed by this Court on 17-06-2003 observing that there were no grounds to interfere with the order passed by the learned Single Judge. Since the order dated 15-10-2001 was not implemented, the present writ petition being W.P.No.27206 of 2006 is filed.

The defence taken by the appellant was that when this Court disposed of the writ petition in W.P.No.23776 of 2001 on 07-01-2003 granting liberty to file a revision, revision was already pending and it is still pending with the Registrar of Cooperative Societies. The learned Single Judge did not agree with this submission, *prima facie,* and passed an order dated 05-09-2007 in the WPMP as stated hereinabove.

The learned counsel for the appellant has not been able to produce any evidence before us that any revision was filed against the order dated 15-10-2001 and that such a revision was pending. He was not even able to tell us the number of the revision or any date fixed in the revision. He only relied on an order dated 06-12-2001, which according to the appellant was an order in the revision. Even if it is accepted that this order was an order in the revision, there is nothing to show that this revision is still pending. However, on perusal of this order, we are convinced that this is not an order passed in any revision. It is numbered as a memo and reference has included a representation of one Sri G.Bal Reddy and it appears that the order has been passed on administrative side by the Registrar of Cooperative Societies through this memo on a representation by Sri G.Bal Reddy, who filed the earlier writ petition. Therefore, in our view, *prima facie*, no revision is pending and admittedly no revision was filed after the order in W.P.

No.23776 of 2001. Therefore, the order passed by the learned Single Judge, which is challenged in this writ appeal, cannot be faulted with.

The writ appeal is accordingly dismissed. No order as to costs.

Bilal Nazki, ACJ

Dated 24th December, 2007

Ramesh Ranganathan,J

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